

ITEM 12
BILL 69 (2013)

From: Cinnie Frith [cfrith@fbsmgt.com]
Sent: Thursday, January 16, 2014 2:59 PM
To: Kobayashi, Ann; Fukunaga, Carol A; schang@honolulu.gov; kpine@honolulu.gov; Martin, Ernie; Menor, Ron; Manahan, Joey; mail@outdoorcircle.org
Subject: The Hawaii statute.....until bill 69: Opposition to Bill 69

Please note the following explanation/definition of "Outdoor Advertising" as it pertains to legislation currently on the books, but rarely enforced.

Subject: the Hawaii statute.....until bill 69

PART IV. OUTDOOR ADVERTISING

Note

Sections 445-111 to 445-121 designated as Part IV by L 1990, c 164, §28.

§445-111 Definitions. As used in this chapter:

(1) "Outdoor advertising device" means any device which is:

(A) A writing, picture, painting, light, model, display, emblem, sign, or similar device situated outdoors, which is so designed that it draws the attention of persons in any public highway, park, or other public place to any property, services, entertainment, or amusement, bought, sold, rented, hired, offered, or otherwise traded in by any person, or to the place or person where or by whom such buying, selling, renting, hiring, offering, or other trading is carried on;

(B) A sign, poster, notice, bill, or word or words in writing situated outdoors and so designed that it draws the attention of and is read by persons in any public highway, park, or other public place; or

(C) A sign, writing, symbol, or emblem made of lights, or a device or design made of lights so designed that its primary function is not giving light, which is situated outdoors and draws the attention of persons in any public highway, park or other public place.

(2) "Billboard" is any board, fence, or similar structure, whether free-standing or supported by or placed against any wall or structure, which is designed or used for the principal purpose of having outdoor advertising devices placed, posted, or fastened upon it.

(3) Any person who, by oneself or through any agent or independent contractor, maintains or displays any outdoor advertising device, or any person who knowingly causes any outdoor advertising device advertising the person's products, merchandise, or services to be displayed by oneself or any agent or independent contractor; or any person who, being in possession of any land, building, or part of a building, permits any outdoor advertising device on the land, building, or part of a building, shall be deemed to be displaying an outdoor advertising device.

(4) Any person, who, by oneself or through any agent or independent contractor, erects or maintains a billboard or places any outdoor advertising device upon a billboard, or any person who knowingly causes any of the person's products, merchandise, or services to be advertised upon a billboard by oneself or through any agent or independent contractor; or any person who, being in possession of any land, building, or part of a building, knowingly permits a billboard to be erected or to remain on the land, building, or part of a building, shall be deemed to be maintaining a billboard. [L 1965, c 233, pt of §1; Supp. §155-120; HRS §445-111; gen ch 1985]

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Aloha members of the City Council/Budget Committee,

I'm speaking with you in opposition to Mayor Caldwell's Bill 69.

Being certain that you have had many comments pertaining to the need to keep the unparalleled beauty of our island homes undisturbed-and it is a valuable point as it speaks to the allure for tourism-I would like to turn attention to what I sense should have at least equal importance to the council.....PUBLIC SAFETY!

I have lived in Kailua, Oahu for ten years and am astonished at the steadily increasing appearance of cars, minivans, small trucks and larger vehicles covered with both pictures and written information pertaining to advertising businesses. They have become traveling billboards and mingle with all of the ever increasing flow of tourist traffic on foot, bikes, scooters, skateboards, motorcycles-you name it, we have it!

The distraction, especially for motor vehicles, that these moving billboards create is both real and dangerous. Most accidents are caused by lack of attention, whether it be a "fender bender" or a pedestrian run down in a crosswalk. As Kailua has "successfully" become a tourist destination we seem to have a combination of more human activity with more businesses using this technique of free moving billboards in lieu of or in connection with more traditional advertising.

If I may suggest a different approach to Mayor Caldwell's quandary of creating more cash flow for needed bus service. I believe that enforcement of current laws is essential to the implementation of sound public policy. We have a very active police force currently patrolling streets, neighborhoods and public places. How difficult would it be to create a "ticket" that apprised the alleged lawbreaker of his/her violation, including a scale of fines if violations continue? You could not only be enforcing the law, but also adding cash to the bus budget! Along the same line, how fair is it that some folks are getting free advertising while others go without or pay for traditional sources?

Finally, I see a strange and ambiguous relationship between bus and train public transit service. It would appear that while Mayor Carlisle was cutting bus routes, HART was creating a \$5million fund to embellish each of the 20 transit station with art work, and currently HART is looking into decorating/concealing the pillars at these stations with more art work costing ? who knows how much??? I shudder to think of the cost of the paint that will be needed to conceal the graffiti that will appear on these structures.

Creating revenue for public projects will always be challenging-no doubt. It will take courage and foresight to approach this project with a clear understanding of what is at stake. In this case, advocating for more advertising will eventually create less interest where our Asian tourist population is concerned. They come to Kailua Beach, and others also, to bask in the outdoor beauty and mingle with the small town atmosphere that Waikiki cannot ever offer.

With much aloha and appreciation,
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